THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11811 of 2007

Date: 11.12.2015

Between:
Tera Janardhan Reddy,
Nalgonda District.

…. Petitioner

And

A.P. State Irrigation Development Corporation Ltd.,
Road No.13, Banjarahills, Hyderabad,
Rep. by its Superintendent Engineer, and another.

… Respondents

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WRIT PETITION No.11811 of 2007

ORDER:

The writ petitioner claims that he is a contractor and he had executed the work of construction and commissioning of Natelly Left Irrigation Scheme in Kothakota Mandal, Mahabubnagar District. His grievance is that notwithstanding the fact that the Superintending Engineer *vide* his Memo No.IDC/MD/TECH/ MBNR/NATELLY L.I/2007-08/834 dated 22.05.2007 had directed the second respondent - Executive Engineer to release the deposits made under Agreement No.1/2003-04 dated 14.04.2003 in respect of Natelly Left Irrigation Scheme, on successful completion of the work, the deposits are not being released.

Heard learned counsel for the petitioner.

This writ petition is of the year 2007. In normal circumstances, the writ petition of this nature ought not to have been entertained for the reason that the relief, which the petitioner is seeking, falls within the category of enforcement of contractual terms. However, considering the facts of the present case and that the Superintending Engineer *vide* proceedings dated 22.05.2007 had categorically recorded that the work entrusted to the petitioner in 2003 was successfully executed and even the guarantee period expired by 05.09.2006 and that the scheme is functioning satisfactorily, this Court is of the view that there is no justification on the part of the second respondent in withholding the security amount, which even in normal circumstances ought to have been refunded on expiry of the guarantee period. Further, though the writ petition was admitted in 2007, no

counter affidavit has been filed till today.

In the circumstances, this Court is of the view that interest of justice would be served if the writ petition is disposed of with a direction that the respondent authorities shall take necessary steps and release the security deposit in relation to the contract agreement No.1/2003-04 dated 14.04.2003, if already not released, within a period of 12 weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. The Miscellaneous Petitions filed in this Writ Petition shall stand disposed of. There shall be no order as to costs.

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CHALLA KODANDA RAM, J

Date: 11.12.2015
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